

## STATUS OF THE CLAIMS

Claims 1-16 are pending in the Application.

Claims 1-16 have been rejected by the Examiner.

Reconsideration of the present Application is respectfully requested.

## REMARKS

Claims 1-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig (U.S. Patent No. 6,256,498) and further in view of Laursen (U.S. Patent No. 6,233,608).

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **A. Independent Claims 1 and 14**

Claims 1 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig (U.S. Patent No. 6,256,498) and further in view of Laursen (U.S. Patent No. 6,233,608). Applicant respectfully traverses these rejections for at least the following reasons.

To establish *prima facie* obviousness of a claimed invention the following must be shown: (1) the prior art references must teach or suggest all of the claimed elements; (2) there must be a reasonable expectation of success; and (3) there must be some suggestion or motivation to modify or combine the references. MPEP §2143; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP §706.02(j). If any of the three requirements is not satisfied, then the claimed invention is not obvious under 35 U.S.C. §103.

The Office Action cites two references in finding the claimed invention obvious and thus, unpatentable. However, the Office Action fails to establish a *prima facie* case of obviousness because there is no motivation or suggestion to combine the two cited references. The Ludwig patent relates to location dependent WWW services. The Laursen patent relates to secure access of personal information and efficient communication with a server without having to key information in each time a thin device is used. The Laursen patent focuses on providing a secure means of accessing, adding, and changing personal information, as well as the ability to efficiently access such information. The Laursen patent does not discuss, mention, or even suggest that the location of the wireless handset is necessary or important. The Laursen patent is also silent about acquiring or even requiring local information to carry out any request by a user. This is due to the fact that the Laursen patent has nothing to do with location

specific requests, but rather pertains to authentication servers and personal identification information for transactions such as stock trades.

Further, the Office Action attempts to show that motivation or suggestion to combine exists when it states that “[i]n this case, Laursen in the method of Ludwig to make the system efficient in terms of communication with data network through wireless means.” Office Action, p.5. Applicant respectfully asserts that the Office Action mischaracterizes the references. The two references are addressing separate problems. Laursen is addressing the issue of accessing secure information and making it more efficient to do so; and Ludwig pertains to providing services related to location dependent information through a digital communication network with low overhead and simple implementation. Therefore, there is no motivation or suggestion to combine the two references in an attempt to find all of the elements of the presently claimed invention. The Office Action is using impermissible hindsight to find each and every element of the claimed invention. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992).

Applicant respectfully traverses the 35 U.S.C. § 103 rejection with respect to Claim 1 for at least the foregoing reasons. Similarly, Applicant respectfully submits that Claim 1 is patentably distinguishable over the prior art of record. Analogously, Applicant respectfully submits that Claim 2–6 similarly overcome the prior art, at least because of these Claims’ ultimate dependence on patentably distinguishable base Claim 1.

With respect to Claim 14, the present Office Action sets forth the rejection discussed hereinabove with respect to Claim 1. Applicant respectfully submits that Claim 14 is similarly not obvious over the prior art cited for at least the reasons set forth with respect to Claim 1.

Applicant further respectfully traverses the 35 U.S.C. § 103 rejection with respect to Claim 14 for at least the foregoing reasons. Similarly, Applicant respectfully submits that Claim 14 is patentably distinguishable over the prior art of record. Analogously, Applicant respectfully submits that Claim 15–16 similarly overcome the prior art, at least because of these Claims' ultimate dependence on patentably distinguishable base Claim 14.

Wherefore, Applicant respectfully requests reconsideration and removal of these 35 U.S.C. 103(a) rejections to Claims 1–6 and 14–16, for at least the foregoing reasons.

## **B. Independent Claim 7**

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig (U.S. Patent No. 6,256,498) and further in view of Laursen (U.S. Patent No. 6,233,608). Applicant respectfully traverses these rejections for at least the following reasons.

Applicant respectfully submits that Ludwig in view of Laursen fails to render Claim 7 unpatentable.

Claim 7 recites:

A method for using a wireless browser to send local information from a wireless handset to a Web server or to dial a telephone number comprising the following steps:

receiving an input from a user of the wireless handset via a wireless data transmission passing through at least one wireless base station, wherein the input comprises either a service request containing a type of local information needed to carry out the service request, or a telephone number to be dialed;

determining whether the input comprises a service request or a telephone number;

if the input is a telephone number, terminating the browser and dialing the telephone number; and

if the input is a service request, acquiring the local information and sending the local information to the Web server via a uniform resource locator,

wherein the phone dialing process is modified to send the local information as part of the uniform resource locator.

Applicant respectfully submits that Claim 7 is similarly not obvious over the prior art cited for at least the reasons set forth with respect to Claims 1 and 14.

Further, Applicant respectfully asserts that the present Office Action has failed to establish a *prima facie* case of obviousness because each and every element of the claimed invention is not taught or suggested by the cited references.

The Office Action cites Laursen, col. 3, lines 40-50 as teaching "(b) determining whether the input comprises a service request or a telephone number." The location of support cited in the Office Action for that particular

element does not in fact teach that element. Specifically, the cited art teaches that an account for a specific client is created in a server with which to communicate to computers in a data network. There is no teaching or discussion of determining whether the input by the user is a service request or a telephone number.

Similarly, the Office Action cites Laursen, col. 9, lines 4-19 as teaching “(c) if the input is a telephone number, terminating the browser and dialing the telephone number.” This location of support does not teach this element, but rather discusses sending proprietary information through the airnet to a server for authentication to create a secure communication between a thin device and a server. Since the cited references fail to teach each and every element of the claimed invention and there is not motivation or suggestion to combine the two references, the Office Action has not met the burden of establishing a *prima facie* case of obviousness.

Applicant respectfully traverses the 35 U.S.C. § 103 rejection with respect to Claim 7 for at least the foregoing reasons. Similarly, Applicant respectfully submits that Claim 7 is patentably distinguishable over the prior art of record. Analogously, Applicant respectfully submits that Claim 8–13 are similarly free of the prior art, at least because of these Claims’ ultimate dependence on patentably distinguishable base Claim 7.

Wherefore, Applicant respectfully requests reconsideration and removal of these rejections, as Claims 1, 7 and 14 are patentably distinguishable over the prior art of record. Applicant further submits each of Claims 2–6, 8–13

and 15–16 is similarly distinguishable over the prior art of record, at least by virtue of these Claims' ultimate dependency from a patentably distinct base Claim 1, 7, or 14.

### Conclusion

Applicant respectfully requests reconsideration of the present Application in light of the reasons set forth herein, and a Notice of Allowance for all pending claims is earnestly solicited.

Respectfully Submitted,



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